

# PATENT COOPERATION TREATY

# PCT

## DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference <b>7175-73373</b>	IMPORTANT DECLARATION	Date of mailing(day/month/year) <b>19/01/2004</b>
International application No. <b>PCT/US 03/28733</b>	International filing date(day/month/year) <b>11/09/2003</b>	(Earliest) Priority date(day/month/year) <b>12/09/2002</b>
International Patent Classification (IPC) or both national classification and IPC <b>A61M16/00, G01N33/00</b>		
Applicant <b>HILL-ROM SERVICES, INC.</b>		


This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below

1. ☐ The subject matter of the international application relates to:
  - a. ☐ scientific theories.
  - b. ☐ mathematical theories
  - c. ☐ plant varieties.
  - d. ☐ animal varieties.
  - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
  - f. ☐ schemes, rules or methods of doing business.
  - g. ☐ schemes, rules or methods of performing purely mental acts.
  - h. ☐ schemes, rules or methods of playing games.
  - i. ☐ methods for treatment of the human body by surgery or therapy.
  - j. ☐ methods for treatment of the animal body by surgery or therapy.
  - k. ☐ diagnostic methods practised on the human or animal body.
  - l. ☐ mere presentations of information.
  - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:
 

☐ the description
☒ the claims
☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:
 

☐ the written form has not been furnished or does not comply with the standard.
 ☐ the computer readable form has not been furnished or does not comply with the standard.
4. Further comments:

See additional sheet

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer  <b>Elisabeth Vonk</b>
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## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

Claims 1, 11, 22, 29, 30, 32, 33, 34, 35, 45, 56, 63, 64, 65 and 66 have been drafted as separate independent claims.

Several of these independent claims seem to refer to similar apparatus, but vary in actual subject matter by the addition or omission of technical features or the use of different terms. Furthermore, because of shifting combinations of similar technical features between the subsets of claims depending from each independent claim, it is impracticable to clearly separate distinct inventions.

For these reasons, it is difficult, if not impossible, to determine the matter for which protection is sought. The matter for which protection is sought is also not clearly defined. The claims attempt to define the subject matter in terms of result to be achieved which merely amounts to a statement of the underlying problem.

In view of the large number and also the wording of the claims presently on file, which render it difficult, if not impossible, to determine the matter for which protection is sought, the present application fails to comply with the clarity and conciseness requirements of Article 6 PCT (see also Rule 6.1(a) PCT) to such an extent that a meaningful search is impossible. Consequently, no search report can be established for the present application.

No formal objection under Rule 13 PCT (unity of invention) has been raised at this point because of the above mentioned clarity and conciseness objection. However, it could be that several independent or dependent claims define inventions which are not so linked so as to form a single inventive concept and the attention of the applicant is thus drawn to this point.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.